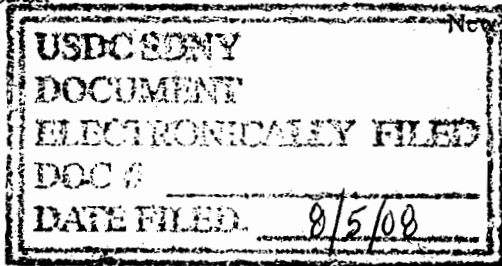


**MEMO ENDORSED****THE CITY OF NEW YORK
LAW DEPARTMENT****MICHAEL A. CARDOZO**
Corporation Counsel100 Church St.
New York, NY 10007**JOYCE CAMPBELL PRIVETERRE**
Special Federal Litigation Division
(212) 788-1277
Fax: (212) 788-9776

July 23, 2008

**Via Facsimile (212) 805-6712**Honorable Magistrate Kevin Nathaniel Fox
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 540
New York, NY 10007Re: Simmons v. Jemmott et al.
08 CV 2198 (BSJ)(KNF)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York. This office was served with a courtesy copy of the *pro-se* plaintiff's complaint on or about April 1, 2008, which was purportedly filed pursuant to § 42 U.S.C. against defendants Captain Jemmott, Correction Officer Cooper, Correction Officer Castro and Correction Officer Greene for alleged excessive force.

Upon a review of the docket sheet it appears that service was effectuated on Messrs. Jemmott and Cooper on April 4, 2008 and that their respective answers were due on April 28, 2008. Without appearing on their behalf, or waiving any potential defenses, it is respectfully requested that defendants Cooper and Jemmott's time to answer or otherwise respond to the complaint be enlarged to August 5, 2008. As plaintiff is appearing *pro se*, we are submitting this application directly to Your Honor. Defendants apologize to the Court for this late submission, occasioned by the fact that the undersigned was on medical leave from June 9, 2008 until July 7, 2008, and thereafter was involved in preparation for a trial scheduled to commence on July 23, 2008.

The additional time will enable the City to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent Messrs. Cooper and Jemmott. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

This is defendants Cooper and Jemmot's first request for an enlargement of time to respond to the complaint. Accordingly, it is respectfully requested that defendants' time to answer or otherwise respond to the complaint be enlarged from April 28, 2008 to August 5, 2008.

We thank the Court for its consideration of this matter.

8/14/08

Application granted.
However, on or before August 8,
2008, the defendants shall
serve and file their answer or
otherwise respond to the complaint.

Cc:

SO ORDERED:
Kevin Nathaniel Fox, U.S.M.J.

Lamont Simmons

241-07-1193

Riker Island Correctional Facility

09-09 Hazen Street

East Elmhurst, NY 11370

PRO SE

Respectfully submitted,

Joyce Campbell Privéerre

Joyce Campbell Privéerre (JCP 1846)

Assistant Corporation Counsel